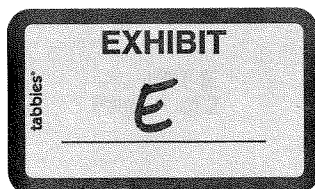


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Junnie Mae Wider,	)	Civil Action No.
	)	
Plaintiffs,	)	
	)	
vs.	)	<b><u>AFFIDAVIT OF PETER T. PHILLIPS</u></b>
	)	
Isuzu, Inc. and Kathy Williams,	)	
	)	
Defendants.	)	
_____	)	

Personally appeared before me, Peter Phillips, who, being first duly sworn, deposes and states:

1. I am over eighteen (18) years of age and of sound mind. The following statements are true and correct to the best of my knowledge and belief.
2. I am currently employed as an attorney at Nelson, Mullins, Riley & Scarborough, L.L.P. and representing Isuzu Motors America, Inc. ("IMA") in the above-captioned action. I have personal and direct knowledge of the subject matter of this affidavit, including knowledge of the file and all documents which have been received, through service or otherwise, by my firm, the firm of King & Spalding, and Isuzu Motors America, Inc. in this action.
3. IMA was served with the Summons and Complaint in this action on October 28, 2005. After obtaining an extension, IMA answered on December 29, 2005.
4. On March 17, 2006, I spoke with opposing counsel, Gary White, regarding the need to obtain a continuance from the jury trial roster in Richland County. At that time, he indicated that he had resolved his case against Defendant Kathy Williams. On March

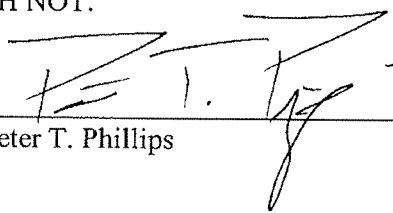


29, 2006, I sent Mr. White a letter seeking, among other things, to verify whether he had in fact settled Plaintiff's claims against Ms. Williams, and, if so, when he planned to seek her dismissal. I received no response to this inquiry.

5. Having heard nothing from opposing counsel, on April 4, 2006, I sent a courier to the Richland County Clerk of Court's Office to obtain a copy of the court's files to confirm that IMA had received all documents in the court's file, in light of opposing counsel's comment regarding Plaintiff's settlement with the non-diverse defendant. After reviewing the documents from the court's file, I discovered that Defendant Williams and Plaintiff had mediated and settled on December 6, 2005, and an order of dismissal was entered on February 21, 2006.

6. Prior to reviewing these documents obtained from the court on April 4, 2006, neither I, nor my firm as well or King & Spalding, had ever received any notice, through service or otherwise, of Defendant Williams' settlement with Plaintiff or her dismissal.

FURTHER AFFIANT SAYETH NOT.

  
Peter T. Phillips

SWORN TO before me this  
7<sup>th</sup> day of April, 2006.

Debra Brown (L.S.)  
Notary Public for South Carolina  
My Commission Expires: 12/12/2014